



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2017

CORAM

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THE HON'BLE MR.JUSTICE S.S.SUNDAR

Crl.O.P.(MD) No. 15766 of 2017

1.Saraswathi Santhagunam

2.Santhasatheesh

3.Santhasorupan

4.Santha Shobana

5.Jagadeesan

6.Rajarathinam ...Petitioners/Accused 2,3,4,5,6,10
-Vs-

1. State Represented by
The Inspector of Police,
Kodaikanal Police Station,
Kodaikanal,
Dindigul District.
(Crime No.342 of 2007) ... Respondent/Complainant

2. Unni Krishnan ... Respondent/Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to C.C.No.12 of 2008, pending on the file of the learned District Munsif cum Judicial Magistrate, Kodaikanal and quash the same.

For Petitioners : Mr.S.Deenadhayalan
For R1 : Mr.K.S.Durai Pandian
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed to call for the records relating to C.C.No.12 of 2008, pending on the file of the learned District Munsif cum Judicial Magistrate, Kodaikanal and to quash the same.



2. Heard the learned counsel appearing for the petitioners, learned Additional Public Prosecutor appearing for the first respondent.

3. The petitioners are accused No. 2 to 6 and 10 in Crime No.342 of 2007. Based on the complaint lodged by the second respondent, a case was registered for the offences punishable under Sections 406, 465, 467, 468, 471, 474 and 420 r/w 120-B IPC. After filing the charge sheet, the case was taken on file in C.C.No.12 of 2008 before the learned District Munsif cum Judicial Magistrate, Kodaikanal.

4. It appears that the parties, namely, the petitioners and the second respondent, have settled their dispute amicably out of Court and they have also entered into a compromise, on the advise of elders and their well wishers. A Joint Compromise Memo, signed by both parties, in the presence of their respective counsels, is also produced before this Court. As per the Joint Compromise Memo, the de-facto complainant, namely, the second respondent, has no objection for compromising the matter and for quashing the entire criminal proceedings in C.C.No.12 of 2008, on the file of the learned District Munsif cum Judicial Magistrate, Kodaikanal.

5. The petitioners and the second respondent appeared before this Court and expressed in unequivocal terms that they have signed the Joint Compromise Memo on their own free will and volition. The identity of the parties are verified with reference to the authenticated documents produced by the parties before this Court. The identity of the parties are also confirmed by the learned Additional Public Prosecutor through the first respondent police.

6. Having regard to the specific terms of the Joint Compromise Memo, this Court is of the view that no useful purpose will be served by keeping this matter pending. Hence the entire criminal proceedings in C.C.No.12 of 2008, on the file of the learned District Munsif cum Judicial Magistrate, Kodaikanal, is quashed in toto. The Joint Compromise Memo signed by the parties shall form part of the order.

7. Accordingly, the Criminal Original petition is allowed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar



To

1. The District Munsif cum Judicial Magistrate Court,
Kodaikanal.

2. The Inspector of Police,
Kodaikanal Police Station,
Kodaikanal,
Dindigul District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.Deenadhayalan, Advocate Sr.No.89978

CMR

VB/KP/SAR3/11/12/2017/3P/5C

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